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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK MORTIMER,

Plaintiff,

v.

CAPITAL ONE, NATIONAL
ASSOCIATION an FDIC insured corporation
and DOES 1 through 100 inclusive,

Defendants.

Case No.: 3:12-cv-01933-JCS

STIPULATED REQUEST FOR DISMISSAL

TO THE COURT, CLERK OF COURT, AND ALL PARTIES:

Pursuant to the terms of the settlement agreement and Federal Rules of Civil Procedure 41(a)(1)(A)(ii), the parties respectfully requests that the above captioned matter be dismissed with prejudice. Each party shall bear its own attorneys' fees and costs.

1 Dated: September 7, 2012

/s/ Elliot Gale
Elliot Gale, Esq.
Attorney for Plaintiff

/s/ Chelsea Hamill
Chelsea Hamill, Esq.
Attorney for Defendant

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9 Dated: 9/11/12

